

2. LEGISLATION AND EXECUTIVE ORDERS

A. Homeland Security Act of 2002 (P.L. 107-296) and Executive Order 13286

On November 25, 2002, President George W. Bush signed into law the Homeland Security Act of 2002 (Public Law 107-296). This Act restructures and strengthens the executive branch of the federal government to better meet the threat to the U.S. homeland posed by terrorism. In establishing the new Department of Homeland Security (DHS), the Act for the first time creates a federal department whose primary mission will be to help prevent, protect against, and respond to acts of terrorism on U.S. soil.

The primary mission of the DHS is to: (1) prevent terrorist attacks within the United States; (2) reduce the vulnerability of the United States to terrorism; (3) minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States; (4) carry out all functions of entities transferred to the DHS, including by acting as a focal point regarding natural and manmade crises and emergency planning; (5) ensure that the functions of the agencies and subdivisions within the DHS that are not related directly to securing the U.S. homeland are not diminished or neglected except by a specific explicit Act of Congress; (6) ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland; and (7) monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.

Except as specifically provided by law with respect to entities transferred to the DHS under this Act, primary responsibility for investigating and prosecuting acts of terrorism shall be vested not in the DHS, but rather in federal, state, and local law enforcement agencies with jurisdiction over the acts in question.

The Act has 17 titles as follows: (1) Department of Homeland Security; (2) Information Analysis and Infrastructure Protection; (3) Science and Technology in Support of Homeland Security; (4) Directorate of Border and Transportation Security; (5) Emergency Preparedness and Response; (6) Treatment of Charitable Trusts for Members of the Armed Forces of the United States and Other Governmental Organizations; (7) Management; (8) Coordination with Non-Federal Entities; Inspector General; U.S. Secret Service; Coast Guard; General Provisions; (9) National Homeland Security Council; (10) Information Security; (11) Department of Justice Divisions; (12) Airline War Risk Insurance Legislation; (13) Federal Workforce Improvement; (14) Arming Pilots against Terrorism; (15) Transition; (16) Corrections to Existing Law Relating to Airline Transportation Security; and (17) Conforming and Technical Amendments.

A copy of P.L. 107-296 (formerly H.R. 5005) can be obtained by referring to the U.S. Library of Congress Internet Web Site: <http://thomas.loc.gov>.

In a related action on February 28, 2003, (68 FR 10617-10633; March 5, 2003), President Bush signed Executive Order 13286 titled *Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security*.